

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KEAIRA BLOOM
5715 Blaine St., NE
Washington D.C., 20019

Plaintiff,

Civil Action No.: 8:22-cv-1622

v.

NOT YOUR AVERAGE JOES
2 Granite Avenue, Suite 300
Milton, MA 02186

Defendant.

COMPLAINT

Plaintiff Keaira Bloom, for her complaint against Not Your Average Joes and respectively avers as follows:

PARTIES

1. Plaintiff Keaira Bloom is a resident of the District of Columbia.
2. Defendant Not Your Average Joes is a business principally based in state of Massachusetts.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332.
4. Venue is proper under 28 U.S.C. § 1391(b) because Defendants conduct business and can be found in this judicial district.
5. The events giving rise to the claims in this action occurred in this judicial district.
6. Plaintiff has exhausted all administrative remedies with the Equal Employment Opportunity Commission and is in possession of a Notice of Right to Sue.

FACTUAL BACKGROUND

7. Not Your Average Joes (“NYAJ”) is a restaurant based in Massachusetts.
8. In May 2020, Keaira Bloom was hired to work at NYAJ’s in Gaithersburg, Maryland.
9. Bloom was paid \$20.00 per hour. Bloom’s direct supervisors were Henry, Janette (Latino), and Terrance (Black/African American). The Assistant General Manager was AL.
10. Bloom identifies as a member of the LGBTQ. Each of her supervisors knew that Bloom identified as LGBTQ. In fact, Bloom’s supervisor Terrance met Bloom’s partner because Bloom’s partner visited the Gaithersburg, Maryland location on many occasions.
11. In June 2021, Terrance started calling Bloom a “culera,” which is a derogatory term for “faggot.” Terrance was so blatant with his discrimination, he posted the term “culera” on the food order screen, during store operating hours, and for other employees to see.
12. In fact, Janette saw the term “culera” on the general “food screen.” Janette said that she understood the meaning of the term and was offended by it. Janette told Bloom that she did not like Terrance’s behavior, nor the word he was using against Bloom. Janette told Bloom that she would talk to Terrance about his conduct.
13. In or around June 2021 to July 2021, Terrance called Bloom a “mongelita.” Another manager named Katherine also called Bloom a “mongelita.” The slang term translates to, “son of a retard” in Spanish.
14. Other employees witnessed Terrance say the term “mongelita” to Bloom. Specifically, Marcella, Janette and Katherine witnessed Terrance make the comment to Bloom.
15. In or around end of June 2021 to July 2021, Janette heard the term “mongelita” to Bloom and asked Terrance why he was saying the derogatory term to Bloom. Janette, while Bloom was present, told Terrance that she didn’t like the word “mongelita” being directed towards Bloom, and that it was disrespectful.

16. In August 2021, Bloom and Terrance discussed work related issues. But during the discussion, Terrance told Bloom that he would “slap the shit out of [Bloom].”
17. After Terrance told Bloom that he would “slap the shit out of [Bloom],” Bloom reported the comment to Janette and Executive Chef Bryan. Bloom told Janette and Chef Bryan about the derogatory comments, “culera” and “mongelita,” from Terrance towards her. She further told Chef Bryant that she was uncomfortable working with Terrance because the comments he was making to her.
18. In or about August 2021, Bloom, Terrance and Janette sat down to discuss Bloom’s complaint. During the meeting, Terrance apologized.
19. In or around August 2021, Bloom also had a separate sit down meeting with Chef Bryan about the discriminatory conduct from Terrance. Bloom discussed the “slap the shit out [Bloom]” comment and told Chef Bryan that she was uncomfortable working with him. Chef Bryan asked Bloom what he wanted him to do and told her that Terrance was a manager.
20. On October 12, 2021, Terrance once again began acting confrontational and inappropriate towards Bloom. During a dinner party at their store location, Bloom asked Terrance why he was being confrontational and not providing her with proper assistance. Terrance told Bloom “get the fuck out of my face.” Bloom asked Terrance to send her home for the night to ensure her own safety while working with Terrance.
21. Prior to ending her shift, Bloom asked Terrance why he was telling the chef to deny her a meal prior to departure. Terrance stated, “get the fuck out of my face before I slap the shit out of you.” Terrance proceeded to shove or assault Bloom pushing her into the wall. The matter was caught on closed caption surveillance.

22. On October 13, 2021, Bloom came back to the store. Bloom was informed by Al and Chef Jessie that she was terminated from NYAJ.

CAUSES OF ACTION

**Count 1: Title VII of the Civil Rights Act of 1964
*Hostile Work Environment***

23. Bloom incorporates every preceding paragraph as alleged above.
24. Bloom was subject to discriminatory severe or pervasive conduct by Defendant based on Plaintiff's sex and sexual orientation.
25. WHEREFORE, Bloom prays for nominal damages; compensatory damages, in an amount to be determined at trial; punitive damages, in an amount to be determined at trial; attorney's fees and the costs of this litigation; back pay, front pay, and future benefits, as may be appropriate; pre- and post-judgment interest; and any other relief the Court deems necessary and appropriate.

**Count 2: Title VII of the Civil Rights Act of 1964
*Retaliation***

26. Bloom incorporates every preceding paragraph as alleged above.
27. Bloom engaged in protected activity after complaining of discrimination. She was subsequently terminated because of the protected activity.
28. WHEREFORE, Bloom prays for nominal damages; compensatory damages, in an amount to be determined at trial; punitive damages, in an amount to be determined at trial; attorney's fees and the costs of this litigation; back pay, front pay, and future benefits, as may be appropriate; pre- and post-judgment interest; and any other relief the Court deems necessary and appropriate.

JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY JURY

Dated: June 30, 2022

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